



02 August 2011

To: Regional Managers/Regional Engineers

Fr: Ken Jong, Engineering Manager

Re: Notice to Designers No. 5 – Technical Support Requirements for the 408-208 Permits

Please see the attached internal memo for guidance regarding the hydrology and hydraulics technical effort in support of the 408 and 208 Permits.

Please contact Scott Brown if there are any questions in implementing the technical aspects of this notice.

cc: Hans Van Winkle, John Popoff, Mike Gillam, John Chirco, Scott Brown, Mosies Gutierrez, Bryan Porter

**To:** Ken Jong, Deputy Program Director - Engineering

**From:** Moises Gutierrez, Regional Management (PTF)

**Copy:** Claudio Dallavalle, Procurement (PTF)  
Silvia Militello, EMT (PTF)  
Ann Koby, Environmental Manager  
John Chirco, EMT Infrastructure Manager  
Procurement Task Force (PTF) Files

**Date:** August 1, 2011

**Subject:** CHSTP – 408-208 Permitting Process (Notice to Designers)

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Ken,

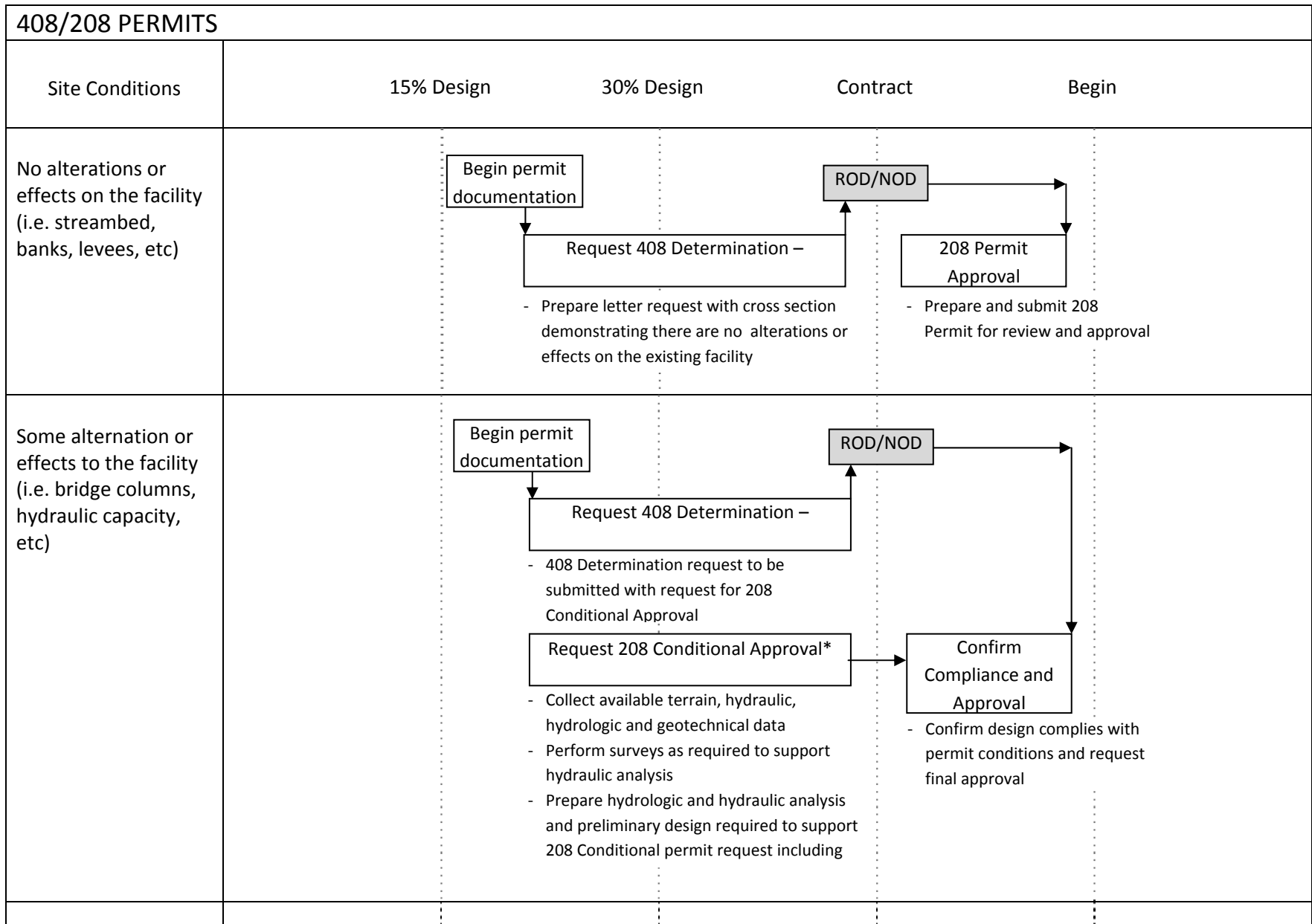
Under Title 14 of the Federal Rivers and Harbors Act, the Corps of Engineers requires a 408-208 permit for construction of any HST project-related feature that results in a significant alteration or modification of an existing flood control project. As a result, obtaining these permits is of utmost importance to the success of the program. Therefore, while we are aware of the compressed schedule requirements for the initial construction segment(s), we direct the regional teams to proceed with the 408-208 permitting work expeditiously. With an initial focus on Contract Package 1 (generally from San Joaquin River to E. American Avenue in the vicinity of Fresno), we offer the following points of clarification:

1. The attached 408-208 permitting flowchart, as previously distributed by K. Jong, represents the expected process, roles, and responsibilities as dictated by site conditions. Generally, RC's are responsible for production and preparation efforts through the NOD/ROD, with PMT support as required.
2. Concerning scope and level of effort, RC's should continue to reference published project criteria (i.e., Environmental Methodologies, TM's 0.1.1 and 2.6.5, etc.) as well as 408-208 guidance and permitting requirements issued by the lead agencies (i.e., U.S. Corps of Engineers and local flood control agencies). If the teams have any other specific technical questions, these should be brought to J. Chirco's attention directly. For process and environmental concerns, the teams should continue to work with B. Porter through their RM's.
3. As discussed during the PTF meetings on 7/18 and 7/27, the Fresno to Bakersfield and Merced to Fresno teams should prepare a comprehensive listing of all anticipated water crossings, identify the type of permit to be required by crossing, indicate what engineering and environmental work has been accomplished to-date, and provide a schedule for completing work in obtaining needed permits.

As a Procurement Task Force, we further recommend that the 408 Determination and 208 Conditional Approvals be included in the procurement package. Any sequencing issues, and their associated risks, will be addressed once we obtain more detailed status information per item 3 above.

Regards,

M. Gutierrez



\*Refer to 408 Permit Process if 408 Determination identifies that there are impacts